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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 08/992,504 | 12/17/1997 | EDWARD W. HOLLAND | | 3900 |

7590

04/05/2002

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 04/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

SR

| | | | |
|------------------------------|--|---------------------------------------|--|
| Office Action Summary | Application No. 08/992,504 | Applicant(s) HOLLAND ET AL. | |
| | Examiner Alfred Joseph Wujciak | Art Unit 3632 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 75-94 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 75-94 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the final Office Action for the serial number 08/992,504, Support Stand for Holding Display Items, filed on 12/17/97.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 75-77, 81-82, 86-87, and 92-94 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 1,780,872 to Dumben.

Dumben teaches a support stand (figure 2) comprising a flat planar rigid base (5) and a pair of support members (17) disposed on a top surface of the base. Each support member having a single, planar holding surface (figure 2, a). The support members are substantially perpendicular to the top surface of the base. The support members are slidably engaged (16) with the top surface of the base. A securing apparatus (19) capable of releasably securing the support members. The second support member is permanently affixed to the base (figure 2) and slidably engaged with the top surface of the base. The support members comprise an L-shaped bracket wherein the first leg (17) of bracket extends substantially perpendicular to the base and having a face forms the planar holding surface. A second leg (18) of bracket has a face,

which is slidably engaged with the top surface of base. The base has bottom surface (6), which is in contact with the ground and prevent a display from tipping over. The top and bottom surfaces are in elongated rectangular-shape and a longitudinal axis, which extends substantially perpendicular to the planar holding surfaces of the support members (figure 2). The second support stand comprises a second securing member (19) having a screw. The head of screw is retained by at least one through hole and the shaft is driven into the item being held in an upright position by the support stand (figure 1). The first leg of the support member comprises at least one through-hole disposed adjacent the distal end of the leg (18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 78 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumben in view of US Patent # 5,822,918 to Helfman et al.

Dumben teaches the second leg of the first support member comprising a slot oriented (8) and the securing apparatus comprises a threaded pin (19) substantially perpendicular from the top surface of the base. The threaded pin having a distal end that extends through the slot of the first support member (figure 4).

Dumben teaches the securing apparatus but fails to teach a threaded knob. Helfman et al. teaches the securing apparatus comprising a threaded pin and a threaded knob. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added threaded knob to Dumben threaded pin as taught by Helfman et al. to provide a convenience for releasing the pin from the support member.

Claims 88, 90-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dumben.

In regards to claim 88, Dumben teaches the top and bottom surfaces of the base but fails to teach they are in a square shape. It would have been obvious to the designer's choice to have modified the elongated rectangular to a square shape to provide an ornament appearance.

In regard to claim 90-91, Dumben teaches the base and support members are made of metal (col.1, line 33-40) but fails to teach they are coated with a rust-resistant plating material. It would have been obvious to the designer's choice to have added the rust-resistant plating material to the base and support members to prevent the corrosion of rust.

Claim 89 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dumben in view of US Patent # 4,966,340 to Hunter.

Dumben teaches the base but fails to teach the base having at least two wheels. Hunter teaches base (40) having at least two wheels (30). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added Dumben base with wheels as taught by Hunter to provide a convenience in moving the base.

Allowable Subject Matter

Claims 79-80 and 84-85 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art fails to teach the support stand having the second pin disposed further outward on the base.

Response to Arguments

Applicant's arguments filed 1/15/02 have been fully considered but they are not persuasive.

On pages 3-4 of applicant's argument stating that the base in Dumben invention does not show a flat or planar surface. The examiner believes that on figure 1 in

Dumben invention shows the base having a flat or planar surface. The flat surface on the base allows the support member to slide along the top surface of the base. If the surface on the base were not flat, it would be impossible to move the supporting member.

On page 4, the applicant disagreed that Dumben teaches the support members are disposed on the top surface of the base. The examiner believes that on Figure 7 in Dumben invention shows the support member is disposed on the top surface of the base. Both edges of the support member are resting on the top surface of the base. The top surface of the base assists the support member edges to slide across the base.

On page 5, the applicant disagreed that Dumben screws do not releasably secure the support members. The examiner believes that in column 2, lines 89-100, explains that the screws (15) are adjustable screws, which allow the support member to be releasably secure to the base. The screws prevent the support member from moving when supporting a heavy load.

In the last paragraph of page 5, the applicant argues that Dumben does not teach the second support member being permanently affixed to the base and slidably engaged with the surface of the base. The examiner mentioned above in the argument that the support member edges are resting on the top surface of the base. The

examiner believes that the second support member is permanently affixed to the base and slidably engaged with the surface of the base.

On pages 7 and 8 of the applicant argument stating that there is no reason for combining the two references. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner believes that it would be obvious to combine the two references (Dumben in view of Helfman) to have replaced Dumben's screws with Helfman threaded knob to provide a convenience for tighten the support member to the base.

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joey Wujciak whose telephone number is (703) 306-5994. This examiner uses a Text-Telephone –Device for the Deaf (TDD). Please first dial the Federal Relay Service at 1-800-877-8339 and give the operator the examiner's telephone number. The examiner can be reached through e-mail, the address is Joey.Wujciak@uspto.gov. The fax machine telephone number for the Technology Center is (703) 308-3519 or (703) 308-3636.

Joey Wujciak


March 28, 2002


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER